IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.808l of 2004

Bhalchandra Gopal Pawar.....Petitioner
vs
The Malegaon Mun Corporation & ors..Respondents

Mr.P.N.Joshi for petitioner
Mr. S.M.Sabrad for respondent no.l
Mr. V.P.Malvankar AGP for respondent nos 2 to 4

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated l5.l2.2004

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Heard advocates.

2. The grievance of the petitioner in the present petition is about the inaction and inordinate delay in completion of acquisition proceedings on the part of the respondents in respect of the lands belonging to the petitioner which is reserved for the purpose of high school in the Development Plan of Malegaon Municipal Corporation. The land of the petitioner admeasuring l Hector from S.No.l22/2 situated in Malegaon City is reserved for the purpose of the high school in the Development Plan right from the year l970.

2. It appears that in l986 the said Development

Plan was revised but the reservation continued in the revised plan also. Since no action was taken for a period of about 27 years inspite of acquisition of the said land, petitioner issued purchase notice under section l27 of the Maharashtra Regional and Town Planning Act, l966, hereinafter referred to as the "MRTP Act". The said notice was served on the Municipal Corporation on 4.4.l997. It appears that pursuant to the said notice petitioner received a communicatino from the Special Land Acquisition Officer (SLAO) dated l5.7.l997 that the acquisition proceedings have been commenced in respect of the petitioner's land. It appears that a notification was also issued under section l26(2) of the MRTP Act read with section 6 of the Land Acquisition Act on 20.5.l999. However, no further action has been taken by the SLAO as the State Government has stayed acquisition proceedings on 29.6.2000.

3. Mr.Patil, learned AGP has produced before us relevant papers. No reasons are assigned for granting stay of further acquisition proceedings and the learned AGP is unable to state as to why the acquisition proceedings are stayed especially when the Planning Authority i.e. Malegaon Municipal Corporation is keen to acquire the land

for the purpose of construction of high school.

4. Mr. Joshi, learned counsel appearing for the petitioner does not press the submission that acquisition is deemed to have lapsed and his only prayer is that the acquisition proceedings should be completed as expeditiously as possible and compensation be paid to the petitioner.

5. We direct the respondents to complete the acquisition proceedings and pass award and pay compensation to the petitioner within a period of 9 months from today. If the acquisition is not completed and compensation is not paid within the stipulated period, the reservation on the petitioner's land as well as the acquisition proceedings to stand quashed and set aside and the petitioner would be entitled to develop the land in accordance with law. Petition is accordingly disposed of.